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UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,465	12/02/2003	Donald B. McDugle	P114519	5858

22931 7590 03/03/2008

HUGHES LAW FIRM, PLLC  
PACIFIC MERIDIAN PLAZA, SUITE 302  
4164 MERIDIAN STREET  
BELLINGHAM, WA 98226-5583

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 03/03/2008

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10726465	12/2/2003	MCDUGLE ET AL.	P114519

HUGHES LAW FIRM, PLLC  
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4164 MERIDIAN STREET  
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## EXAMINER

Ed Swinehart

ART UNIT	PAPER
3617	20080222

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## Commissioner for Patents

The Appeal Brief filed on 12/5/2007 is still defective for a reason set forth in the Notice of Non-Compliant Appeal Brief of 11/5/07. In the Notice, the Appellant was informed that the brief does not contain a concise explanation of the subject matter defined in each of the independent claims (See box 4 of Notice). In response to the Appellant submitted the Appeal Brief of 12/5/07, which still does not present a concise explanation of the subject matter in the form required, specifically Appellant does not cite to the specification by page and line number (37 CFR 41.37(c)(1)(b)). Appellant merely provides general statement as to where in the specification description begins, however such is not a concise statement as required. Therefore, the Appeal Brief of 12/5/07 is defective.

The Notice of Non-Compliant Appeal Brief of 11/5/07 set forth a one month time period for reply. That time period remains. Extensions of time are available (37 CFR 41.37(d)).

/Ed Swinehart/  
Primary Examiner  
Art Unit: 3617